

### **REMARKS**

Claims 1-4 are pending. The office action indicates that claim 4 is objected to and claims 1-4 are rejected. Claim 4 has been amended to overcome the Examiner's objection. In view of the above amendments and the following arguments, Applicants respectfully submit that the application is in a condition for allowance.

#### **Claim Objections**

In the office action the Examiner objected to claim 4 as being incorrectly dependent on claim 1. Claim 4 has been amended to accurately reflect its dependency on claim 3.

In view of the above correction and comments, Applicants respectfully request withdrawal of this objection.

#### **Claim Rejections under 35 U.S.C. 112**

The Examiner has rejected claim 4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. In particular the Examiner indicate that the recitation of the limitation "said power factor information" in line 3 has no proper antecedent basis. Applicants have amended the recitation of this limitation in claim 4 to read "said power fraction information"

In view of the above correction Applicants respectfully request withdrawal of this rejection.

Claim Rejections under 35 U.S.C. 103

The Examiner has rejected claims 1 and 3 under 35 U.S.C. 103(a) as being unpatentable over Song (U.S.P. 6,721,299) in view of Cerwall (6,032,047). The Examiner asserts that Song discloses the features of the present invention but does not disclose transmitting power fraction, downlink activity, and code space information information on a beacon channel. The Examiner indicates that Cerwall discloses that a beacon channel can broadcast general system information about the cell to all mobiles within its location area and, therefore, one skilled in the art would recognize that a beacon channel may include any desired information. The Examiner therefore concludes that the present invention would have been obvious to one skilled in the art in view of the combined teachings of Song and Cerwall. Applicants respectfully disagree with the Examiner's characterizations of Song and Cerwall and their application to the present invention.

The present invention is directed to an uplink and downlink structure to support a shared downlink data channel. The structure of the present invention results in a downlink structure that achieves higher spectral efficiency over the shared downlink channel. As recited in Claim 1 an integral step of the method of the present invention comprises transmitting on beacon channel power fraction information, downlink activity information and code space information.

While the Examiner has acknowledged that Song does not disclose this step, the Examiner contends that Cerwall makes up for the deficiency in Song. Cerwall is directed to a method for establishing a new broadcast control channel carrier frequency within a cell without disturbing ongoing call traffic. In the method of Cerwall a cell having a base station that transmits broadcast control channel data over an existing BCCH frequency establishes a second BCCH carrier frequency within the cell. BCCH data is then transmitted to both the new and existing carrier frequencies during specific time periods to permit surrounding mobile stations to detect and recognize both carriers.

There is no teaching or suggestion in Cerwall for a method that includes the step of transmitting on beacon channel power fraction information, downlink activity information and code space information. The combination of Cerwall and Song therefore does not teach or suggest the method of claims 1 and 3 of the present invention. Applicants respectfully contend that claims 1 and 3 are therefore allowable.

The Examiner has further rejected claim 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Song and Cerwell as applied to claims and further in view of Raith (U.S.P. 6,760,311). Applicants respectfully disagree with the Examiner's rejection of claims 2 and 4 and contend that these claims are allowable at least by virtue of their respective dependence on allowable claims 1 and 3.

In view of the foregoing, Applicants respectfully request withdrawal of the rejections of claims 1 thru 4.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on July 21, 2004, Applicant requests reconsideration in the instant

application pursuant to 37 CFR 1.111 and requests that the Examiner allow claims 1-4 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

It is anticipated that a fee for a two month extension is required by this response. Applicants hereby authorize that any fees required by this response be charged to deposit account No. 50-1561.

Respectfully,

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